

T H E

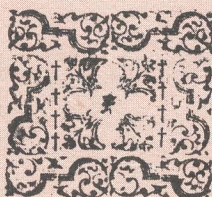
Pennsylvania GAZETTE.

Containing the freshest Advices Foreign and Domestic,

From November 10. to November 17, 1737.

To the AUTHOR of the Pennsylvania
GAZETTE.

S I R,



FREEDOM OF SPEECH is a principal Pillar in a free Government: when this Support is taken away, the Constitution is dissolved, and Tyranny is erected on its ruins. Republicks and limited Monarchies derive their strength and vigour from a Popular Examination into the Actions of the Magistrates. This Privilege in all Ages has been and always will be abused. The best of Princes could not escape the censure and envy of the times they lived in. But the evil is not so great as it may appear at first sight. A Magistrate, who sincerely aims at the Good of the society, will always have the inclinations of a great majority on his side; and impartial Posterity will not fail to render him Justice.

These abuses of the Freedom of Speech are the excrescencies of Liberty. They ought to be suppressed; but to whom dare we commit the care of doing it? An evil Magistrate, entrusted with a Power to punish Words, is armed with a Weapon the most destructive and terrible. Under pretence of pruning off the exuberant branches, he frequently destroys the Tree.

It is certain, that he, who robs another of his moral reputation, more richly merits a Gibbet, than if he had plundered him of his purse on the high-way. Augustus Caesar under the specious pretext of preserving the characters of the Romans from defamation, introduced the Law, whereby Libelling was involved in the penalties of Treason against the State. This established his Tyranny, and for one mischief it prevented, ten thousand evils, horrible and tremendous, sprung up in the place. Thenceforward every person's life and fortune depended on the vile breath of Informers. The Construction of words being arbitrary, and left to the decision of the Judges, no man could write or open his Mouth, without being in danger of forfeiting his Head.

One was put to death, for inserting in his History, the praises of *Bithius*; Another, for styling *Cassius* the last of the Romans. *Caligula* valued himself for being a notable Dancer; To deny He excelled in that manly accomplishment was High-Treason. This Emperor advanced his Horse *Incitatus* to the dignity of Consul; and, tho' History is silent, I don't question but it was a capital crime to show the least contempt for that High Officer of State. Suppose then, any one had called the Prime Minister a *Rapid animal*. The Emperor's Council might argue, that the malice of the Libel was aggravated by it's being true, and consequently more likely to excite the family of this illustrious Magistrate to acts of revenge. Such a prosecution would appear ridiculous: Yet, if we may rely on Tra-

dition, there have been formerly Proconsuls in *Achicaphotho* of more malice, but hardly superior in understanding to *huismia*, who would have thought themselves libelled, to be calumniated by their proper names.

Nero put himself on his fine voice and skill in music; *La tulla* ambition *ibis*! He performed in public and carried the prize. It was afterwards Resolved by all the Judges, as good Law, that whoever should insinuate the least doubt of *Nero's* Pre-eminence in THE NOBLE ART OF FIDLING, ought to be deemed a Traitor to the State.

By the help of Inferences and Innuendo's, Treasons multiplied in a prodigious manner. GRIEF was Treason. A Lady of noble birth was put to death for bewailing the loss of her murdered Son. Silence was declared an overt act to prove the treasonable purposes of the heart. LOOKS were construed into Treason. A serene open aspect was an evidence that the Person was pleased with the calamities that befel the Emperor. A frowne was construed into a proof against the man that wore it, as a proof of his plotting against the State. DREAMS were often made capital offences. A new species of Informers went about Rome, insinuating themselves in all companies to fish out their Dreams, Which the holy Priests, O! *sefarious quickness*! interpreted into High-Treason. The Romans were so terrified by this strange method of process, that, far from discovering their Dreams, they durst not own that they slept. In this terrible situation, when every one had so much cause to fear, even FEAR itself was made a crime. *Caligula* when he put his Brother to death, gave it as a reason to the Senate, that the Youth was afraid of being murdered. To be eminent in any virtue, either civil or military, was the greatest crime a man could be guilty of. ----- *oh virtutes certissimum exitum*.

These were some of the Effects of the Roman Law against Libelling.

THOSE of the British Kings who aimed at Despotick Power, or the oppression of the Subject, constantly encouraged prosecutions for words.

Henry VII. a Prince mighty in politics, procured that Act to be passed, whereby the jurisdiction of the Star-Chamber was confirmed and extended. Afterwards *Empton* and *Dudley*, two voracious Dogs of prey, under the Protection of this High Court, exercised the most merciless acts of oppression. The Subjects were terrified from uttering their griefs, while they saw the Thunder of the Star Chamber pointed at their Heads. This caution, however, could not prevent several dangerous tumults and insurrections. For when the Tongues of the People are restrained, They commonly discharge their resentments by a more dangerous organ, and break out into open acts of Violence.

During the Reign of *Henry VIII.* a high-spirited Monarch, every light expression which happened to displease him, was construed by his souldier Judges into a Libel, and sometimes, extended to High-Treason. When Queen *Mary of Bloody Memory*, ascended the Throne, the Parliament, in order to raise a Fine against the violent Prosecutions for Words, which had rendered the Lives, Liberties

Benjamin Franklin's Editorial on Zenger Printed in the Pennsylvania Gazette, 1737

Note his opening sentence: "Freedom of speech is a principal pillar of free government; when this support is taken away, the constitution of a free society is dissolved, and tyranny is erected in its ruins."

Original Issue

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